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09/553,316	04/20/2000	Jyunichi Kamakura	21.1977	4585

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GUBIOTTI, MATTHEW P

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2124

DATE MAILED: 07/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/553,316	Applicant(s) KAMAKURA ET AL.
Examiner Matthew Gubiotti	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 May 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) 6 and 12 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed May 14th, 2003.

2. Per request of the applicant:

The Specification has been amended;

Claims 1 and 5-18 have been amended;

Claims 1-18 are pending in the application.

3. In view of the amendments filed May 14th, 2003 the objection to the Specification for grammatical and typographical errors is withdrawn.

4. In view of the amendments filed May 14th, 2003 the rejection of Claims 5 and 6 under 35 USC § 112 is withdrawn.

Priority

5. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Claim Objections

6. Claims 6 and 12 are objected to because of the following informalities: The claims contain grammatical errors (See e.g. "data used as interfaces to processes in other division"; Claim

6, Line 5). The Examiner strongly encourages the Applicant to further review all claims for grammatical errors and tense consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims recite the limitation "strength degree of association relationships" (See e.g. Claim 1, Line 4). The use of the relative modifier "strength" lends the claim a level of indefiniteness that is not further clarified by the specification. The claims have been further treated below by interpreting the limitation as functional to analyze the degree of association relationships between processes and data items.

Claims 2-6, 8-12, and 14-18 are rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mattson, Jr. (U.S. Pat. No. 6,430,741).

Claim 1

Mattson, Jr. teaches a system analysis apparatus comprising means for examining a data item access state in a program (col.5, li.9-25) and an analyzer for analyzing strength degree of relationships (col.3, li.31-40) (discussing the color-coding of elements to distinguish between the number of data accesses) between processes and data based on state data item access state, each said process being at least one of a program, a set of programs and a program section. (col.1, li.66 to col.2, li.15; col.2, li.25-28).

Claim 2

Mattson, Jr. further teaches wherein said analyzer comprises means for quantifying the types and number of accesses, which are included in the data item access state, and generating quantified data item access state data (col.3, li.14-24).

Claim 3

Mattson, Jr. further teaches wherein said analyzer comprises means for correcting said quantified data item access state data according to an external requirement including a system design requirement (col.1, li.66 to col.2, li.15; col.4, li.44-56; fig.1A, ref.102)

Claim 4

Mattson, Jr. further teaches wherein said analyzer comprises means for collecting processes that access to a data item satisfying a predetermined condition in said quantified data item access state data (col.5, li.9-13; col.6, li.35-48).

Claim 5

Mattson, Jr. further teaches wherein said analyzer comprises Means for presenting at least one of a partitioning pattern of the data items ("visualization tool") and a division pattern of the processes, using the quantified data item access state data and the collected process information (col.10, li.25-41).

Claim 6

Mattson, Jr. further teaches wherein said division pattern of the processes comprises a presentation of process interfaces ("[for functions in the source code] maintain track of access to data elements" col.5, li.5-13; fig.1A, ref.105). The term "process interface" has been treated by the examiner to include

the tracking of relationships between functions and data in compiling source code.

Claims 7-11

These claims represent the method associated with the apparatus of claims 1-5, respectively. They are rejected for the same reasons as cited above, with the method referenced at the following location (col.1, li.66 to col.2, li.4).

Claims 13-17

These claims represent the medium associated with the apparatus of claims 1-5, respectively. They are rejected for the same reasons as cited above, with the medium referenced at the following location (col.11, li.41-62; fig.7).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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11. Claim 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson, Jr.

Claim 6

Mattson, Jr. teaches wherein said division pattern of the processes comprises a presentation of process interfaces ("[for functions in the source code] maintain track of access to data elements" col.5, li.5-13; fig.1A, ref.105). The term "process interface" has been treated by the examiner to include the tracking of relationships between functions and data in compiling source code.

Mattson, Jr. further teaches utilizing a data coverage specification to screen the desired information for presentation on a display (col.6, li.65 to col.7, li.7) (See also col.6, li.35-64). At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the data coverage specification of Mattson, Jr. to specify the analysis of only public data, only private data, or a combination of the two for comparative display using the visualization technique as taught (See rejection of Claim 5). The modification would have been obvious because one of ordinary skill would have been motivated to analyze only a portion of a system using the means disclosed by Mattson, Jr. in order to maximize processing efficiency, as taught (col.4, li.45-56).

Claim 12

This claim represents the method associated with the apparatus of claim 6. It is rejected for the same reasons as cited above, with the method referenced at the following location (col.1, li.66 to col.2, li.4).

Claims 18

This claim represents the medium associated with the apparatus of claim 6. It is rejected for the same reasons as cited above, with the method referenced at the following location (col.11, li.41-62; fig.7).

Response to Arguments

12. Applicant's arguments filed May 14th, 2003 have been fully considered but they are not persuasive. Applicant has asserted, in substance, that Mattson, Jr. does not teach:

- a. *"a strength degree of association..."* Claims 1, 7 and 13 have been treated above in view of the amended claim language.
- b. *"association relationships between data items and processes"*. The Examiner strongly disagrees with this assertion. The limitation has been treated by the Examiner using the broadest reasonable interpretation. To the extent

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that the claims outline the above limitation, Mattson, Jr. teaches and system, medium and method for outline the relationships between data items and processes in a computer system (See Claim 1 above). The Applicant Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

13. Applicant's amendments necessitated the new ground(s) of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

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date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG
June 30, 2003



Todd Ingberg
Primary Examiner
Group 2100